

UTAH RADIATION CONTROL BOARD

MINUTES OF THE UTAH RADIATION CONTROL BOARD MEETING, December 6, 2002, Department of Environmental Quality (Bldg. #2), Conf. Room 101, 168 North 1950 West, Salt Lake City, Utah.

BOARD MEMBERS PRESENT

Stephen T. Nelson, Ph.D., Chairman
Gary L. Edwards, M.S., Vice Chairman
William J. Sinclair, M.S.E.H., Executive Secretary
Kent J. Bradford, P.G.
Thomas K. Chism, M.S.
Royal I. Hansen,
Linda M. Kruse, M.S.
Karen S. Langley, M.S.
Dianne R. Nielson, Ph.D., Dir. of DEQ
Gregory G. Oman, D.D.S., B.S.
John W. Thomson, M.D.
Gene D. White, Commissioner

BOARD MEMBERS ABSENT/EXCUSED

Rod O. Julander, Ph.D.
Robert S. Pattison

DRC STAFF/OTHER DEQ MEMBERS PRESENT

Jule Fausto, DRC Staff
Dane Finerfrock, DRC Staff
Robert Herbert, DRC Staff
Craig Jones, DRC Staff
Laura Lockhart, Utah Attorney General's Office
Loren Morton, DRC Staff
Ray Nelson, DRC Staff
Fred Nelson, Utah Attorney General's Office
Yoli Shropshire, DRC Staff

PUBLIC

Kenneth L. Alkema, Envirocare of Utah, Inc.
Gregory H. Copeland, Greenfield Logistics
Steve Erickson, Citizens Education Project
Judy Fahys, Salt Lake Tribune
Sarah Fields, Sierra Club, Grand Canyon Chapter
Charles Judd, Private Citizen
John Weisheit, Sierra Club, Grand Canyon Chapter

David Frydenlund, IUC (USA)
Jim Holtkamp, LeBoeuf, Lamb, Greene
& McCrae LLP (LLGM, LLP)
Patrick Thomas
Tye Rogers, Envirocare of Utah, Inc.
William Love, Sierra Club, Grand Canyon Chapter
Mike Silva

GREETINGS/MEETING CALLED TO ORDER

The Utah Radiation Control Board convened in the DEQ Building #2, Room 101, 168 North 1950 West, in Salt Lake City, Utah. The meeting was called to order at 2:05 p.m. by Dr. Stephen T. Nelson, Chairman of the Board. Dr. Nelson welcomed all members and public attending the meeting. Dr. Nelson stated to those present, if they wished to address any items on the agenda to indicate it on the sheet as they signed in. Those desiring to comment would be given a chance to address their concerns on the agenda items to the Board.

I. APPROVAL OF MINUTES

a. Approval of October 4, 2002, Minutes and October 24, 2002 teleconference Minutes

1. Approval of October 4, 2002, Minutes

Stephen Nelson asked for any corrections to the Minutes of October 4, 2002. There were no corrections suggested by Board members. Linda Kruse made a motion that the minutes be approved as written, seconded by Gary Edwards.

CARRIED AND APPROVED UNANIMOUSLY

2. Approval of October 24, 2002 Teleconference Minutes

Stephen Nelson asked for any corrections to the minutes of the October 24, 2002 Teleconference Minutes. There were no corrections suggested by Board members. Karen Langley made a motion that the Minutes be approved as written, seconded by Tom Chism.

CARRIED AND APPROVED UNANIMOUSLY

b. Introduction of New Board Member – Royal Hansen (General Public)

Stephen Nelson welcomed the newly appointed Board Member, representing the general public, Mr. Royal I. Hansen. Steve asked Mr. Hansen to provide the Board with a brief introduction. Royal Hansen indicated that he was an attorney here in Salt Lake City with the law firm of Royal and Draper. He has been a life-long resident of Utah. He indicated he was looking forward to working with the Board.

Bill Sinclair also informed the Board about the addition of a new Board Member that was not able to attend the December Board Meeting. Mr. Robert Pattison, Moab, will be representing the Uranium Milling Industry. Bill said that Mr. Pattison had recently had heart surgery and was still recovering. He hoped that he would be able to attend the next scheduled Board Meeting on January 3, 2003.

II. RULES

a. **Proposed changes to R313-12, General Provisions and R313-28, The Use of X-Rays in the Healing Arts as a result of Board Subcommittee recommendations – to public comment (Board action item)**

Craig Jones reported that at the September 6, 2002, Board meeting, a subcommittee was created to evaluate the technical and policy issues concerning whole-body CT Scans on asymptomatic patients. Meetings with the committee members and Division staff led to a determination that changes to the Utah Radiation Control Rules were needed.

Craig reported that it was recognized that examinations must be authorized by a license practitioner of the healing arts. There was a written inquiry sent to the Executive Secretary as to what does "practitioner" mean and does it include the categories of Advanced Practice Registered Nurse and Physician Assistant.

After discussion with the subcommittee, it was recognized that the Radiation Control Rules needed to be changed to consider definitions for Advance Practice Registered Nurse and Physician Assistant. Craig asked the Board Members to refer to R313-12-3, to the definition of an Advanced Practice Registered Nurse, in the Board packet. It references the Nurse Practice Act. This type of individual is given the authority by the Legislature to diagnosis and to prescribe. The change to the Radiation Control Rules adds this definition. The same applies to Physician Assistant.

After careful review of the rules, it was determined that the term "Practitioner" is key since it specifies these individuals licensed by the State in the practice of healing arts. For these rules, only the following are considered to be a practitioner: Physician, Dentist, Podiatrist, Chiropractor, Physician Assistant, and Advanced Practice Registered Nurse. Craig indicated that the intent is that when these practitioners are practicing within the scope of limitations for their business license, they only authorize certain x-ray exams. For example, it would be appropriate for a Podiatrist or a Dentist to authorize x-rays of the feet or mouth respectfully. It would not be appropriate for a Podiatrist to order or authorize a CT scan for the whole-body because it would not be within the scope of practice for either license category

Craig then referred to R313-28-20 and the definition for "Healing Arts Screening." This definition needed to be clarified to note that x-ray equipment is specifically being used to examine individuals. The individuals are asymptomatic for a disease for which the screening is being performed. The use of the x-rays occur when the individual or patient asks that the exam be performed on themselves without a doctor ordering it.

The significant portion of the change added text that states these individuals are referring themselves to have the procedure performed and they are not having it done with the order or authorization with a Licensed Practitioner of the Healing Arts. This is the intent of a healing screening arts program, the individual may go to a center and ask that a diagnostic test involving x-rays be performed.

Greg Oman made a motion that the proposed rules be sent out for public comment, seconded by Gary Edwards.

The Board voted as follows:

Stephen Nelson – Yes
Gary Edwards – Yes
Kent Bradford - Yes
Tom Chism - Yes
Royal Hansen - Yes
Linda Kruse - Yes
Karen Langley - Yes
Dianne Nielson - Yes
Greg Oman - Yes
John Thomson – Yes
Gene White - Yes

CARRIED AND APPROVED UNANIMOUSLY

III. RADIOACTIVE MATERIALS LICENSING/INSPECTION (Board information items)

a. Annual Enforcement summary

Craig Jones updated the Board and summarized the significant enforcement actions regarding radioactive material licensees during calendar year 2002. The Board was referred to the packet for the handout which summarized the information. There were four actions involving civil penalties of which two involved stolen or lost radioactive gauges. The remaining two actions involved repeat violations involving the licensee's radiation safety program. The Executive Secretary also issued an order to dispose to an individual who was in possession of numerous small radioactive sources. This resulted in the proper disposal of the material at the U.S. Ecology low-level waste facility in Washington.

Bill Sinclair then indicated that for Envirocare enforcement actions, it is typical, for Envirocare that the Board be informed at the meeting following an action. He stated that there was one new enforcement action not previously presented to the Board which was included in the packet. It is a Notice of Violation that was issued on November 22, 2002 concerning the management of waste containers at the Envirocare facility. Envirocare self-identified this violation. Bill also indicated that a summary of the 2002 enforcement actions for Envirocare was provided in the packet, although all have been before the Board prior to this meeting. These actions have all been successfully closed out.

b. Summary of Organization of Agreement States Meeting, October 1-3, 2002

Bill Sinclair reported that, with this meeting, he completed his term as Chair of Organization of Agreement States. The meeting in Denver was very successful; there was good attendance from the 32 Agreement States and NRC staff from Washington and the Regions. There was much discussion concerning what is termed: "The National Materials Program." This is a pilot project between NRC and Agreement States in which resources are shared to solve national issues. For example, OAS has taken on the pilot project of providing guidance for a new use or modality. Another issue of interest was the need to establish a Standing Compatibility Committee to help define the compatibility categories prior to a NRC rulemaking. Another major session focused on medical and decommissioning waste issues. There was also a closed session of state and federal officials to discuss security of radioactive materials.

IV. X-RAY REGISTRATION/INSPECTION

a. Recommendations of the Board Subcommittee assigned to formulate possible actions by the Board regarding full-body CT scans on asymptomatic patients (Possible Board Action)

Craig Jones stated that on September 6, 2002, the Radiation Control Board created a subcommittee to evaluate the technical and policy issues concerning whole-body CT scans on healthy patients. The subcommittee consisted of five individuals from the Board who volunteered their time and effort to attend the subcommittee meetings. The subcommittee consisted of: (1) Gary Edwards, (2) Karen Langley, (3) Rod Julander, (4) Greg Oman, and (5) John Thomson. Bill Sinclair and Craig Jones provided administrative and technical support to the subcommittee.

The first meeting of the subcommittee was held on September 25, 2002, in which there was a discussion on CT scanning in Utah. There was discussion regarding healing art screening programs where healthy, asymptomatic individuals are exposed to a x-ray beam. Healing arts screening programs must be approved by the Executive Secretary to be recognized.

There was discussion on some concerns which the DRC staff have had in terms of reviewing the information submitted to support a healing arts screening application and coming to a decision on the information that is submitted. Craig said that he and his colleagues are trained in radiation safety, and some of the information that is asked for by the Radiation Control Rules deals in the practice of medicine. The staff do not feel comfortable in reviewing information in this area.

Another item discussed during the first meeting dealt with those individuals who are authorized to order or approve the administration of a CT examination. The Radiation Control Rules are written to require that exposure to a x-ray beam must be authorized by a licensed practitioner of the healing arts. Two additional categories of licensed practitioners that might be considered for authorizing tests involving x-rays were Physician Assistant and Advance Practice Registered Nurse.

It became apparent that the subcommittee needed more information from the facilities that perform whole-body scanning about: (1) Why they do what they do? (2) How they do it? (3) What resources are used? and (4) Who does the scanning?

The next subcommittee meeting took place on October 25, 2002, and it was determined prior to this meeting that representatives from two facilities would come and discuss their practices with the subcommittee. Attending the meeting were representatives of AccuScan (Dr. Dan Nichols and Mike Huish) and Vital Imaging (Erik Tovar, and Michelle Neeshar). Very helpful information for consideration by the subcommittee was provided by representatives from these two facilities.

The final meeting of the subcommittee was held on November 8, 2002. Consideration was given for the preparation of a position paper and rulemaking. The DRC staff was directed to prepare a draft position statement for Board consideration similar to the one that was issued by the Texas Radiation Advisory Board. A copy of the Texas statement was provided to the Board prior to the September 6, 2002, Board Meeting. There were some decisions made on various options to change the Radiation Control rules and assignments were given in preparations for the December 6, 2002 Board meeting.

Craig then asked Dr. John Thomson, from the subcommittee to update the Board on the subcommittee's decision making on the position statement

Dr. Thomson provided the Board with information regarding how the subcommittee came to the conclusions reflected in the draft position statement. The Board members discussed the position statement and four recommended changes to the draft that was provided in the Board packet. Board members were referred to Revision 1 in the Supplemental Packet that provided three of the changes and Dr. Thomson proposed that paragraph two, second sentence which reads, "Although scientists believe there is a health risk from low levels of exposure to x-rays, the risk is generally considered to be small when compared to **with the medical** benefits" be changed to read: "... is generally considered to be small when compared **to proven** benefits.

Karen Langley made a motion that the Board accept the revised position statement, seconded by Greg Oman.

The Board voted as follows:

Stephen Nelson – Yes
Gary Edwards – Yes
Kent Bradford - Yes
Tom Chism - Yes
Royal Hansen - Yes
Rod Julander - Yes
Linda Kruse - Yes
Karen Langley - Yes
Greg Oman - Yes
John Thomson – Yes

Gene White - Yes

CARRIED AND APPROVED UNANIMOUSLY

V. RADIOACTIVE WASTE DISPOSAL

a. Major modification to Envirocare groundwater discharge permit and minor modification to Envirocare radioactive materials license UT2300249 (Amendment #15)

Robert Herbert updated and informed the Board regarding a recent modification to the Envirocare groundwater discharge permit. A copy of the approval letter, a copy of the amended Statement of Basis (addressing public comment), and a copy of the Statement of Basis were included in the Board Packet:

He stated that a 30-day public comment period was held from October 6 through November 5, 2002 for Modification No. 3 to Envirocare's groundwater discharge permit. The DRC received comments from two parties, Envirocare and the Department of Energy. Envirocare's comments were editorial in nature and the Department of Energy requested a clarification regarding packaging of containerized Class A low-level radioactive waste. After addressing these non-substantive comments, the Permit modification was approved on November 13, 2002.

Major Permit Changes

- revising the ground water protection levels for total uranium, radium-226 and radium-228 based on EPA Final MCLs;
- adjusting gross alpha and gross beta ground water protection levels to background concentrations for well GW-77;
- revising engineering design specifications for the 11e.(2) Disposal Cell based on performance modeling;
- allowing the use of total analytical results to estimate TCLP limits; and
- allowing a storm water evaporation basin to be constructed and operated behind the Class A Containerized Waste Facility.

Details of these and other Permit changes are provided in the associated Statement of Basis.

Minor Amendment to Envirocare Radioactive Materials License

On December 2, 2002, the Executive Secretary approved a minor modification (amendment #15) to Envirocare's radioactive materials license #2300249.

Condition 2 of the license was changed to reflect an address change for the corporate offices to 605 North 5600 West, Salt Lake City, UT 84116.

b . Summary of Generator Site Access Permit Joint Workshop, November 21, 2002

Jule Fausto informed the Board regarding the Generator Site Access Permit Joint Workshop that was held November 21, 2002. One of the major purposes of the workshop was to discuss the draft enforcement policy with stakeholders. A copy of the DRC presentation was included in the Board packet as well as a summary presentation by the generators in attendance.

Jule reported that about 40 permittees attended the workshop and many technical, policy or legal questions were raised and answered. Those in attendance to help answer the questions that were raised from the DRC Staff were Bill Sinclair, Dane Finerfrock, Ray Nelson, Edith Barker and herself. In addition, information was conveyed regarding the on-line application process on the Internet and the virtual check payment process that was also available to the applicants. In conclusion, the workshop was very beneficial to those that attended and to the Division.

c. Motions to Withdraw Agency Action and Petition to Intervene in accordance with Tolling Agreement, United States Air Force and Rocky Mountain Low-Level Waste Radioactive Waste Board

Laura Lockhart, Utah Attorney General's Office updated the Board on the Motion to Withdraw Agency Action and Petition to Intervene in accordance with Tolling Agreement signed by the United States Air force and Rocky Mountain Low-Level Waste Radioactive Waste Board. A tolling agreement, which was enclosed in the Board packet, indicated that the Air Force cannot file a renewed Request for Agency Action before January 21, 2003, and will have until March 30, 2003 to file any renewed request.

d. Update regarding transportation issues and changes to R313-25-3 as result of the November 19, 2002 administration hearing

Bill Sinclair indicated that, since the administrative hearing, DRC staff has conducted a review of R313-25-3, Siting Criteria and Pre-licensing Plan Approval for Commercial Radioactive Waste Disposal Facilities. The Board wanted the DRC staff to carefully look at R313-25-3(9)(a)(b)(c) as part of a review. DRC staff will next meet with our counterparts in the Division of Solid and Hazardous Waste to indicate changes that DRC is considering. This is necessary because the radioactive waste siting criteria were based on the criteria for siting of hazardous waste facilities. Following that meeting and subsequent revisions, DRC staff will be prepared to bring a rulemaking packet to the Board at the January 3, 2003 meeting.

Bill also stated that the DRC staff will prepare a "transportation issues" briefing book for each Board member and present the information at the March 7, 2003 Board meeting. Bill indicated that he wants to provide the Board with information regarding what types of radioactive waste shipments come into or through the State of Utah, what coordination is in place regarding the possibility of response to transportation accidents regarding the different types of waste, review of the shipping containers for the different types of waste, and other important information.

VI. URANIUM MILL TAILINGS UPDATE (Board information items)

a. NRC approval for International Uranium to receive and process alternate feed material from the Maywood, New Jersey site of September 23, 2002

Loren Morton updated the Board on this item. Following is a summary of his presentation:

Date	Activity/Description
IUC White Mesa Uranium Mill, Near Blanding, Utah	
September 9 – 13, 2002	IUC / DRC split groundwater sampling event.
September 23, 2002	NRC issued License amendment approval for receipt and processing of alternative feedstock from the Maywood, New Jersey FUSRAP site (up to 600,000 yd ³).
Moab Uranium Mill Tailings Project, Near Moab, Utah	
November 19, 2002	DOE-GJO issues press release to announce commencement of a new Environmental Impact Statement (EIS). Previous DOE work and studies to be incorporated into new process. DOE anticipated EIS schedule is as follows: Late December, 2002 – publication of Notice of Intent in the Federal Register. January, 2003 – public scoping meetings. December, 2003 – publication of the Draft EIS. 1 st Quarter, 2004 – public comment period (45 days). June, 2004 – publication of Final EIS (to announce preferred alternative). September 30, 2004 – publication of Record of Decision.
December 4, 2002	DOE provides tentative schedule for public scoping meetings in 4 Utah cities, as follows: Tuesday, January 21 – one public meeting in Moab (6:00 pm, Moab Valley Inn) Wednesday, January 22 – three (3) public meetings in Blanding, as follows: <div style="margin-left: 40px;"> 9:00 a.m.: White Mesa Ute Tribe meeting at Tribal Community Center 2:00 p.m.: Navajo Tribe meeting at College of Eastern Utah Arts & Events Center 6:00 p.m.: General public meeting at College of Eastern Utah Arts & Events Center </div> Thursday, January 23 – one public meeting in Green River (6:00 p.m., City Hall) Tuesday, January 28 – one public meeting in East Carbon (6:00 p.m., Old City Hall)

b. Notification by Plateau Resources of intent to close and decommission the Ticaboo

Rob Herbert reported that the Board packet contained a letter to the NRC dated October 24, 2002 wherein Plateau Resources requested a change in their license status from operational to reclamation and submitted a revised Tailings Reclamation and Decommissioning Plan. Rob also said that although the mill only operated for 76 days in 1982 and produced just 25,000 cubic yards of tailings, Plateau has proposed on-site disposal of all mill waste in the existing tailings cell. Because of the small volume of tailings, the DRC held a conference call with Plateau Resources and the NRC to discuss off-site disposal alternatives and requested a detailed cost estimate of all waste volumes.

c. Update regarding Amended Agreement State Status for Uranium Mills and Tailings

Bill Sinclair indicated that in the Board packet are two Stakeholder updates for Amended State Agreement Status regarding uranium recovery regulation. On October 9, 2002, DRC send a summary of all rulemaking actions to the NRC. On November 22, 2002, DRC received a letter from NRC stating that the State rules would be compatible with the NRC. NRC made one suggestion regarding a "minor" wording change to R313-24, which may be able to be handled as a "non-substantive change."

On October 25, 2002, a letter was sent to NRC requesting a determination of the regulatory and process paths forward to facilitate Utah's request that the Utah groundwater program is equivalent and comparable to the NRC groundwater program under 10 CFR Part 40. Documents provided to NRC included:

- Description of the Proposed Utah Groundwater Program for Uranium Mills and Tailings
- Executive Summary - Comparison of NRC Groundwater Protection Criteria in 10 CFR Part 40, Appendix A with Utah Ground Water Quality Protection Regulations (UAC R317-6)
- Comparison of NRC Groundwater Protection Criteria in 10 CFR Part 40, Appendix A with Utah Ground Water Quality Protection Regulations (UAC R317-6)

At the November 20, 2002 interim meeting of the Legislature, two new Board members, established by changes to the Radiation Control Act, were confirmed by the Senate - Royal Hansen, member representing the general public and Robert Pattison, member representing the uranium milling industry.

d. Moab Millsite update – Announcement of Environmental Impact process

Loren Morton reported to the Board regarding the Department of Energy (DOE) press release regarding plans for the upcoming National Environmental Policy Act (NEPA) process for the Moab Millsite Project. The DOE press release follows:

Department of Energy to Begin National Environmental Policy Act (NEPA) Process for the Moab (UT) Project

Grand Junction, CO) – The U.S. Department of Energy has determined that it will begin the National Environmental Policy Act (NEPA) process for the Moab Project, formally know as the Atlas mill tailings site. The site was legislatively transferred to DOE requiring the remediation of the mill tailings pile and ground water at the site located approximately 3 miles from Moab.

DOE has determined that remediation of the Moab Project Site and the potential establishment of a disposal site will constitute a major federal action that may have an impact upon the environment within the meaning of NEPA. For these reasons, DOE intends to prepare an Environmental Impact State (EIS) to address the reasonably foreseeable impacts from the proposed action and alternatives.

The DOE Grand Junction Office (GJO) anticipates that the Notice of Intent, which begins the NEPA process, will be published in the Federal Register in late December 2002 or early January 2003. Within 30 days of this publication, GJO will conduct public scoping meetings. Locations, dates and times of the meetings will be announced in the Federal Register. Tentatively, meetings will be held in Moab, Blanding, Green River and East Carbon, Utah.

The scoping meetings provide an opportunity for the public to understand the proposed scope of the EIS, including environmental issues and alternatives for the tailings disposal, and also provide the public the opportunity to present oral or written comments on the scope. DOE will consider all comments and modify the scope as appropriate. A draft EIS will then be prepared and the public will have an additional opportunity to comment on the EIS.

DOE was required to prepare a Plan for Remediation to be submitted to the National Academy of Sciences (NAS) for technical review. A draft Plan for Remediation was submitted to the NAS and recommendations to DOE were received in June 2002. The information that was to be used in a final Plan for Remediation and the NAS recommendations will be addressed either in the EIS or in the supporting documentation.

DOE will make a decision regarding the tailings disposal after the final Environmental Impact Statement is completed.

News Contacts:

Joel Berwick	DOE-GJO Moab Project Manager	(970) 248-6020
Audrey Berry	DOE-GJO Public Affairs Specialist	(970) 248-7727
Toby Wright	MFG, Inc., Moab Manager	(970) 248-6432
Wendee Ryan	S.M. Stoller Corporation Public Affairs Manager	(970) 248-6765

- e. **Request by Sarah Fields to address the Board on two issues – amended Agreement and IUC/NFS partnership regarding downblending to produce source material**

Sarah Fields, representing the Nuclear Waste Committee of the Glen Canyon Chapter of the Sierra Club, presented the Board with some information on two topics. The first issue related to the amended Agreement being pursued by the State of Utah for uranium recovery regulation in lieu of the Nuclear Regulatory Commission. Sarah represented that there were problems with the process and "Elements" paper. These problems included:

- (1) The Stakeholder group was a closed group with a limited participation,
- (2) She was not aware of a local notice of the establishment of the task force and its work
- (3) The extra policy-making process was not discussed during the initial scoping meetings in 1999.

She indicated that the support of continued alternate feed requests by Utah uranium mills should not be included as part of the final application submitted by the State of Utah to the NRC.

Response to Sarah Fields' comments on amended Agreement

Bill Sinclair indicated that the task force process had been an open public process. The task force formation was announced to the Board prior to its formation and monthly updates given to the Radiation Control Board during the work of the task force. The minutes and end products (elements paper) were made publicly available on the Division website where they have remained for the last two years. All task force meetings were open to the public. Stephen Nelson, who served on the task force, indicated that he thought it was a very open process. Bill Sinclair pointed out that the task force began with no firm commitments from any participants and ended in consensus.

Sarah Fields indicated that her second issue was regarding the downblending proposal and partnership agreement between International Uranium and Nuclear Fuel Services of Erwin, Tennessee. She stated that any decision making regarding the receipt of materials at White Mesa from any DOE program to dispose of uranium bearing materials should not be considered until after the DOE has gone through their decision making process with respect to combining contaminated low enriched uranium with depleted uranium and the disposition of other uranium bearing materials. An application for an alternate feed amendment to the NRC is premature before DOE has gone through a decision making process.

Response to Sarah Fields' comments on the IUC/NFS partnership

David Frydenlund responded that IUC must often submit alternate feed amendment requests well in advance of other decision making in order to put themselves in a competitive position to bid on particular contracts. He indicated that, as the time for submission of the amendment request neared, he would be

glad to have representatives of International Uranium address the Board on this issue.

Sarah Fields also brought up the issue of the International Uranium Amendment to Receive and Process the Maywood Materials. She indicated that the amendment approving the receipt of the Maywood, New Jersey wastes was approved September 23, 2002. She also indicated that the NRC did not make the issuance of the amendment publicly available as required by 10 CFR 2.790. She stated that the Federal Register notice announcing the finding of no significant impact (FONSI) was not done in compliance with the National Environmental Policy Act requirements in 10 CFR Part 51.

Response to Sarah Fields' comments on the Maywood amendment

David Frydenlund of IUC responded that there is no contract in place for the White Mesa Mill to receive Maywood material at this time.

VII. OTHER DEPARTMENT ISSUES

No Items

VII. PUBLIC COMMENT

The follow are comments made before the Board by members of the public attending the Board Meeting on issues which concern these individuals:

William Love, representing Citizens of Utah from Moab, addressed the Board and provided handouts entitled: "RCRA conceals hazardous materials in wastes shipped to Utah" and "Subject: "More Hazardous Waste for Utah." Mr. Love indicated he wanted to advise the Board of the potential for RCRA (hazardous waste) materials in shipments of alternate feed to the International Uranium White Mesa Mill. He provided some of the regulatory background to Board members concerning RCRA.

John Weisheit of Moab and the Glen Canyon Chapter of the Sierra Club, indicated his concern with possible expansion of the White Mesa Mill. He also encouraged the Board to hold a meeting in the near future in Moab.

IX. OTHER ISSUES

- a. Next Board Meeting – January 3, 2003, Department of Environmental Quality Bldg #2, Conference Room 101, 168 N 1950 W, Salt Lake City, Utah**

The Board Meeting adjourned at 4:35 p.m.